



*Executive Officer's  
Report to the Board  
May 14, 2004*

## **Board Updates**

### **Assembly Subcommittee Passes Board Budget; Senate Subcommittee Rescheduled**

Members of Assembly Budget Subcommittee #4 approved the Board's budget, as submitted, on May 5. The committee also voted to make a direct appropriation of \$246,250 to the Department of Parks and Recreation (DPR) to pay for a Government Claim that had been filed against DPR by the City of Hermosa Beach.

The Board's Senate Budget Subcommittee #2 hearing was held on May 6. The Committee held the budget over in order to have time to review information the Board provided to them regarding Criminal Restitution Contracts on May 4. The next hearing before the Senate Budget Subcommittee #2 is scheduled for May 20.

## **Victim Compensation**

### **Board Audits Non-Profit Agreement Facilities**

The Audits and Investigations Branch (AIB) and Quality Assurance Mental Health (QAMH) section are conducting a fiscal audit and clinical review, respectively, of Non Profit Agreement (NPA) providers. Completion of the review is anticipated by late fall or early winter.

On October 4, 1993, SB 644 was chaptered into law. This law required the Board to develop a more simple and faster procedure for paying bills of a qualified provider of mental health services to children and their families who qualify as victims of crime. As a result, the Board implemented formal agreements with qualified mental health providers referred to as NPA providers. NPA providers must have extensive experience in providing mental health services and use reimbursement from the Restitution Fund at a significant level on a regular and consistent basis. The agreements put into practice a simplified and expedited process for paying mental health claims.

BOARD UPDATES .....	1
VICTIM COMPENSATION .....	1
REVENUE RECOVERY .....	2
COMPENSATION PROGRAM ACTIVITY .....	4
REVENUE AND RECOVERY CHARTS .....	5
GOVERNMENT CLAIMS CHARTS .....	7
UPCOMING EVENTS .....	9

There are 28 active NPA providers, representing 14.8%<sup>1</sup> of total mental health payments by the Board in Fiscal Year (FY) 2001/2002 and 9.7%<sup>2</sup> in 2002/2003.

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<sup>1</sup> NPA's received \$7,076,865 of \$47,782,436 total mental health disbursements

<sup>2</sup> NPA's received \$3,890,287 of \$39,901,657 total mental health disbursements

During the audit, AIB is reviewing fiscal matters including whether:

- The amounts were correctly billed by each NPA.
- The claimants attended the sessions.
- The NPA appropriately pursued other reimbursement sources before seeking reimbursement from the Board.
- The NPA billed only for services necessary as a result of the crime.
- The Board paid the correct amount to the NPA.

The QAMH unit is reviewing quality of care issues including whether:

- The treatment is necessary as a direct result of the crime.
- The treatment plan reflects crime-related issues.
- The treatment plan reflects the best care for the victim.
- Substantial progress has been made in the course of treatment.

If the review reveals that treatment is not necessary as a direct result of the qualifying crime, the Victim Compensation Program (VCP) will seek reimbursement of the expenses. In addition, if a provider does not adhere to the terms of the Agreement, he or she may be terminated as an NPA provider or placed on a plan of corrective action. AIB and QAMH will also review the signed Release of Information between the provider and the VCP and verify the current licensure of therapists, supervising therapists, and appropriate registration of pre-licensed therapists.

### **Board Renews Effort to Reduce Time Delays in Obtaining Los Angeles Crime Reports**

Police reports are critical to Board staff in establishing: whether a crime the program covers did occur, the identity of the victim, crime location, nature of injury, etc. Government Code section 13954 (d) provides the Board legal authority to obtain crime reports. Los Angeles area law enforcement agencies have been slow to comply, delaying the Board's determinations on VCP applicants' eligibility. Previous efforts to obtain Los Angeles area crime reports has had mixed results.

Pete Williams, Deputy Executive Officer – Victim Compensation Program, met with staff from the Los Angeles Records and Identification Division on April 19. The meeting was very successful. Board staff met with those in charge of the record keeping facilities and gained valuable insight into how crime report requests are handled. As a result of the new information, the Board has changed how and from whom Los Angeles crime reports are requested. Time spent obtaining crime reports will be monitored and the results shared with the Los Angeles area police departments and the Board.

## **Revenue Recovery**

### **Encouraging First Quarter for Court-Ordered Debt Collection Program**

The Board's restitution recovery project with the Franchise Tax Board (FTB) Court-Ordered Debt Collection Program to collect restitution fine debt from post-parolees has completed its first quarter.

As of April 28, FTB has collected \$498,954.32 in outstanding restitution fine debt from post-parolees and remitted \$427,786.03 to the Restitution Fund while retaining \$73,249.16 in

administrative fees (FTB takes a 15 percent administrative fee to cover the cost of collections). The project has resulted in 1,570 telephone calls to the Board from offenders or their family members questioning the payment demand letters sent by FTB in March and April. This month, the Board will send FTB the data for 2,000 post-parolees who owe restitution fines worth approximately \$1.3 million.

### **Criminal Restitution Compacts**

The Board has sent out the FY 2004/2005 Criminal Restitution Compact (CRC) contracts for signature. Restitution Recovery staff is calling fiscal staff at each county to emphasize the importance of the contract due date. No work may be performed and no invoices will be paid in FY 2004/2005 without a signed contract.

The Board contracts with 22 counties, as well as with the California Department of Corrections and the California Youth Authority, to operate CRC programs to ensure that the courts have the information necessary to assess appropriate restitution fines and orders on offenders. These specialists help ensure that restitution is ordered anytime an offender is sentenced in connection with a crime where the VCP helped the victims.

Board staff analyzed the cost effectiveness of the CRC contracts. For FY 2004/05, the Board will not renew CRC contracts in Lake and Placer Counties and the Napa County Probation Department. The CRC contract with the District Attorney's Office in Santa Barbara County will be reduced from two full-time positions to one.

Savings will be reallocated to the Los Angeles County District Attorney's Office, increasing the CRC contract by two specialist positions and one student assistant. Although Los Angeles has 21 percent of the VCP claim workload statewide, the Board currently only funds one specialist and one student assistant. Increasing the CRC coverage in Los Angeles, with the largest criminal court caseload in the United States, should markedly increase restitution fine impositions and direct restitution orders for the Board.

### **Restitution Training for Probation Officers**

On May 17-21, Revenue Recovery staff will provide restitution training to approximately 200 juvenile and adult probation officers in San Bernardino County. Similar training will be provided in Kern County on June 3.

### **Liens and Overpayments Recovery Section**

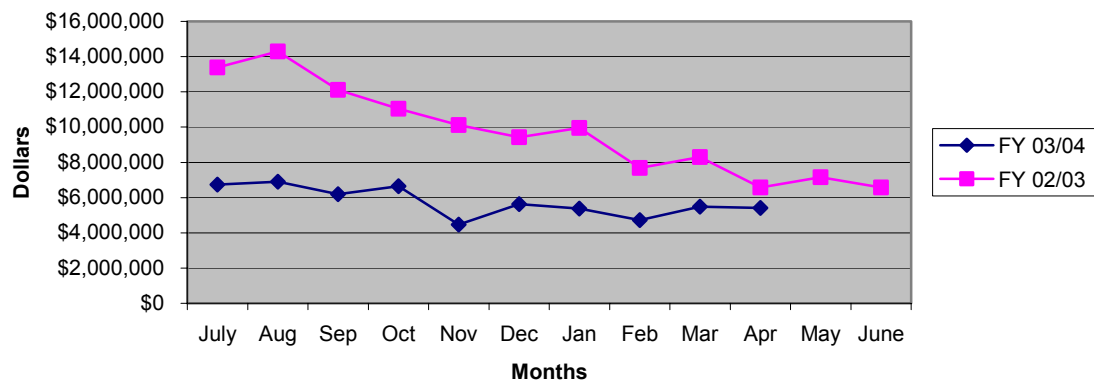
During April, the Liens and Overpayment Recovery Section (LORS) collected \$182,902.73 from civil suits, auto insurance, and workers' compensation, and \$5,641.08 in overpayments on behalf of the VCP.

## Victim Compensation Program Activity

### VCP PAYMENTS

Fiscal Year Comparison	Month of April	Fiscal Year to Date	% Change from Prior FY
<b>FY 03/04</b>	<b>\$5,405,560</b>	<b>\$57,564,333</b>	<b>-44%</b>
<b>FY 02/03</b>	<b>\$6,568,679</b>	<b>\$102,901,814</b>	

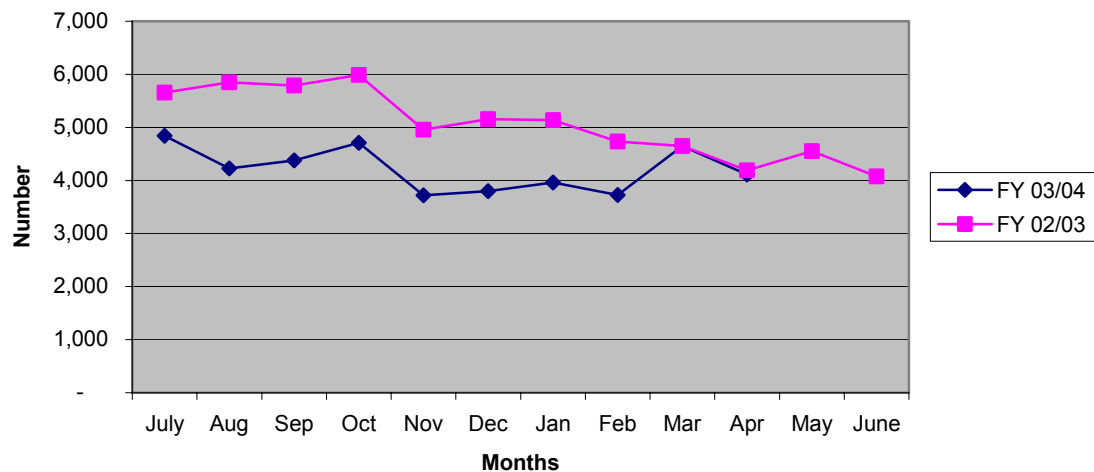
#### Payment Awards



### VCP NUMBER OF APPLICATIONS RECEIVED

Fiscal Year Comparison	Month of April	Fiscal Year to Date	% Change from Prior FY
<b>FY 03/04</b>	<b>4,112</b>	<b>42,122</b>	<b>-19%</b>
<b>FY 02/03</b>	<b>4,192</b>	<b>52,103</b>	

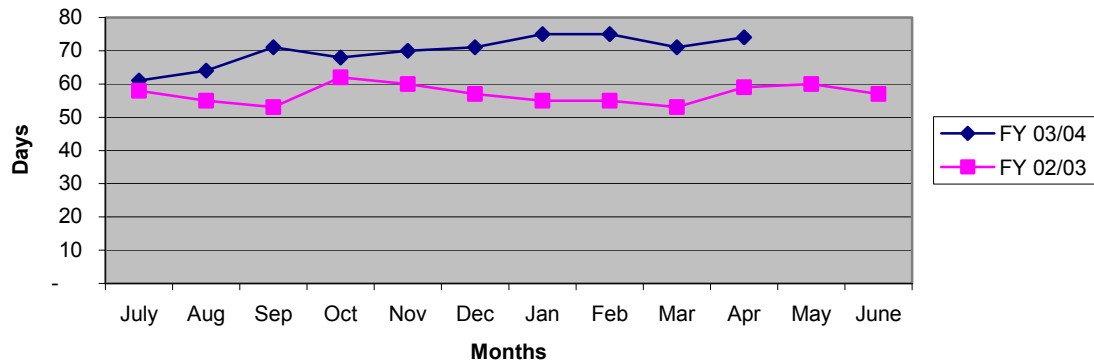
#### Number of VCP Applications Received



### VCP APPLICATION PROCESSING TIME<sup>1</sup> IN DAYS

Fiscal Year Comparison	Month of April	Fiscal Year to Date	% Change from Prior
FY 03/04	74	70	23%
FY 02/03	59	57	

**VCP Application Processing Time**

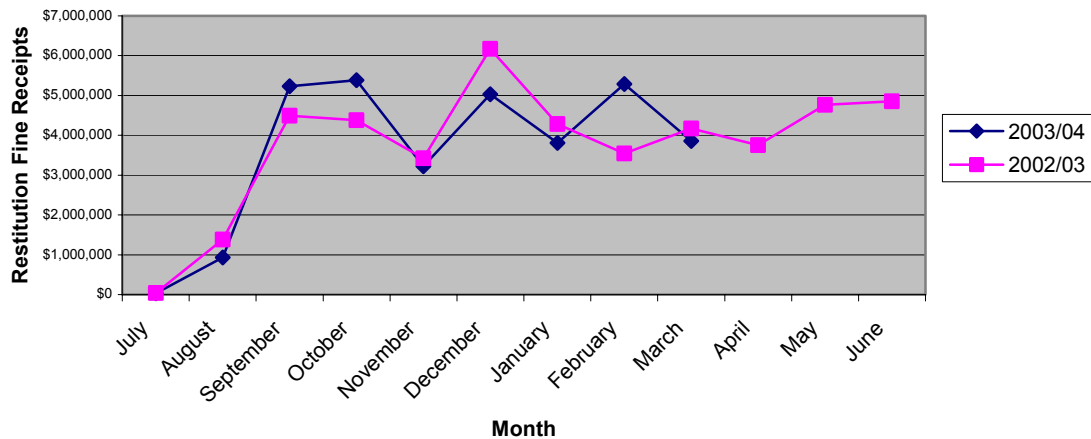


## Revenue and Recovery

### RESTITUTION FINES

Fiscal Year Comparison	Month of March	Fiscal Year to Date	% Change from Prior FY
<b>FY 03/04</b>	<b>\$3,856,114</b>	<b>\$32,780,589</b>	<b>3%</b>
<b>FY 02/03</b>	<b>\$4,174,344</b>	<b>\$31,903,332</b>	<b>-</b>

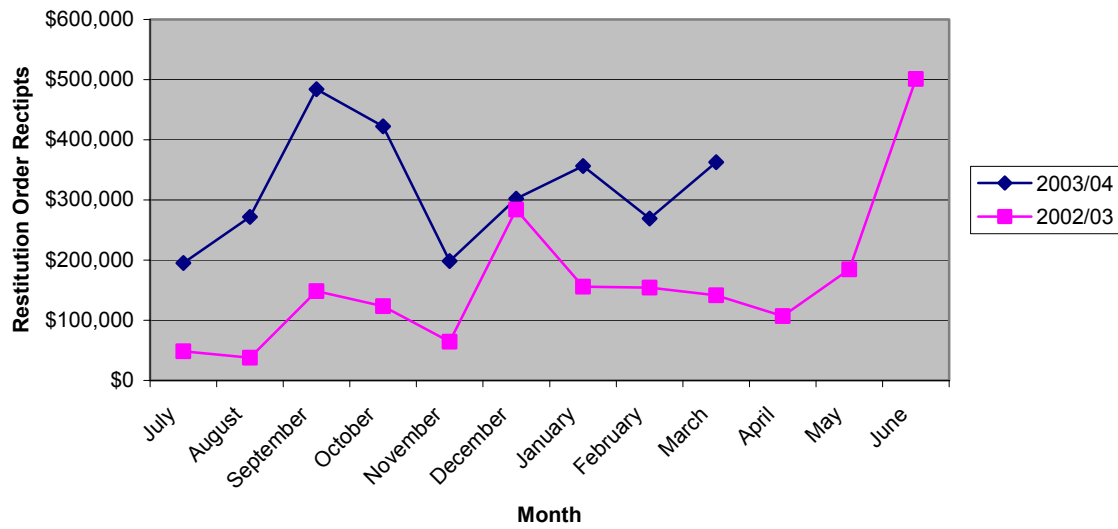
**Restitution Fine Receipts By Month**



## RESTITUTION ORDERS

Fiscal Year Comparison	Month of March	Fiscal Year to Date	% Change from Prior FY
<b>FY 03/04</b>	<b>\$362,689</b>	<b>\$2,861,666</b>	<b>147%</b>
<b>FY 02/03</b>	<b>\$141,487</b>	<b>\$1,158,608</b>	<b>-</b>

**Restitution Order Receipts By Month**

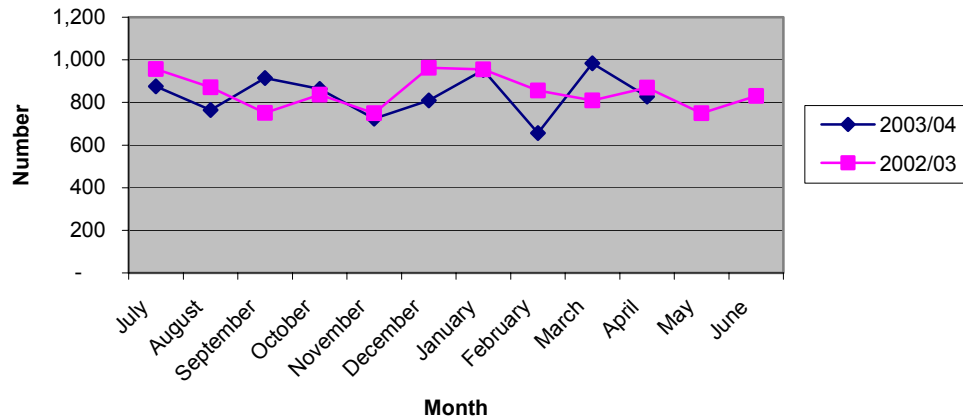


## Government Claims

### GOVERNMENT CLAIMS RECEIVED

Fiscal Year Comparison	Month of April	Fiscal Year to Date	% Change from Prior FY
<b>FY 03/04</b>	<b>827</b>	<b>8,370</b>	<b>-3%</b>
<b>FY 02/03</b>	<b>869</b>	<b>8,617</b>	<b>-</b>

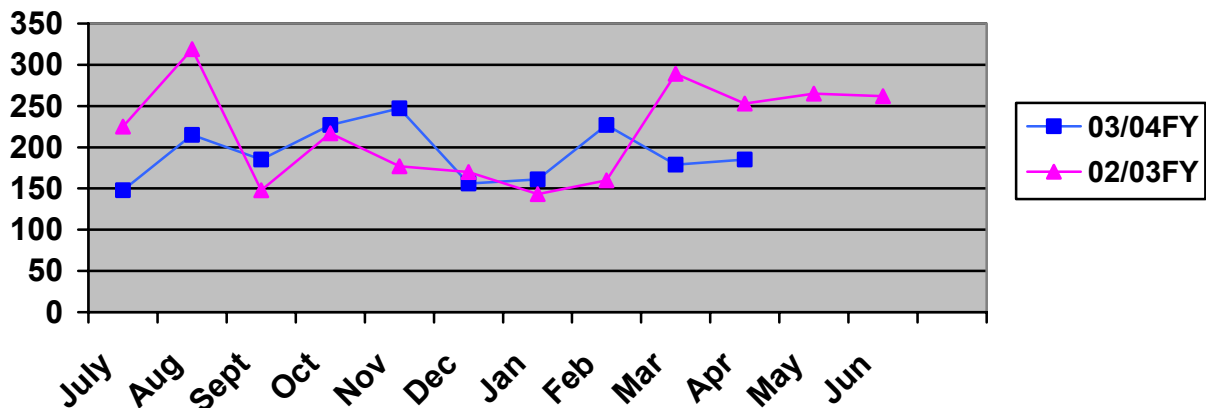
#### Government Claims Received



### CONTRACT CLAIMS<sup>2</sup> – AVERAGE PROCESSING TIME

Fiscal Year Comparison	Month of April	Fiscal Year to Date	% Change from Prior FY
<b>FY 03/04</b>	<b>185</b>	<b>190</b>	<b>-3%</b>
<b>FY 02/03</b>	<b>254</b>	<b>195</b>	

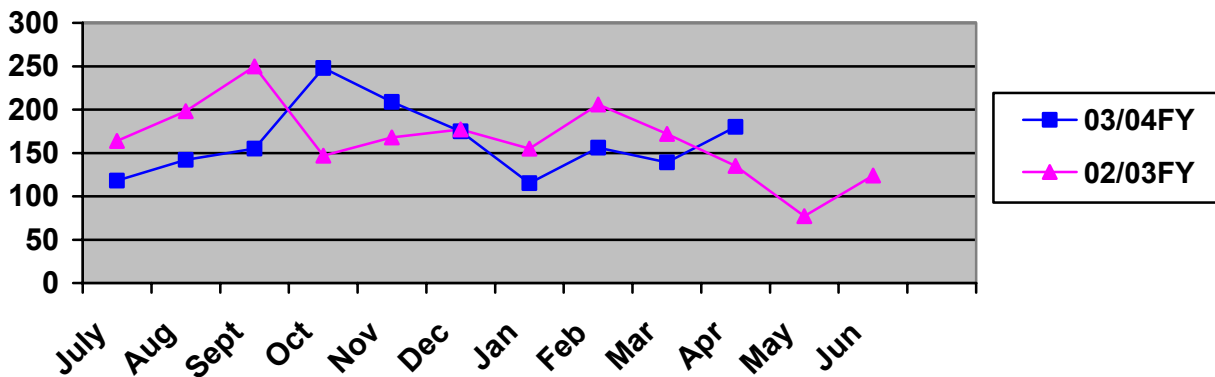
#### Contract Claims- Average Processing Time



### EQUITY CLAIMS<sup>3</sup> – AVERAGE PROCESSING TIME

Fiscal Year Comparison	Month of April	Fiscal Year to Date	% Change from Prior FY
<b>FY 03/04</b>	<b>180</b>	<b>168</b>	<b>-6%</b>
<b>FY 02/03</b>	<b>140</b>	<b>179</b>	

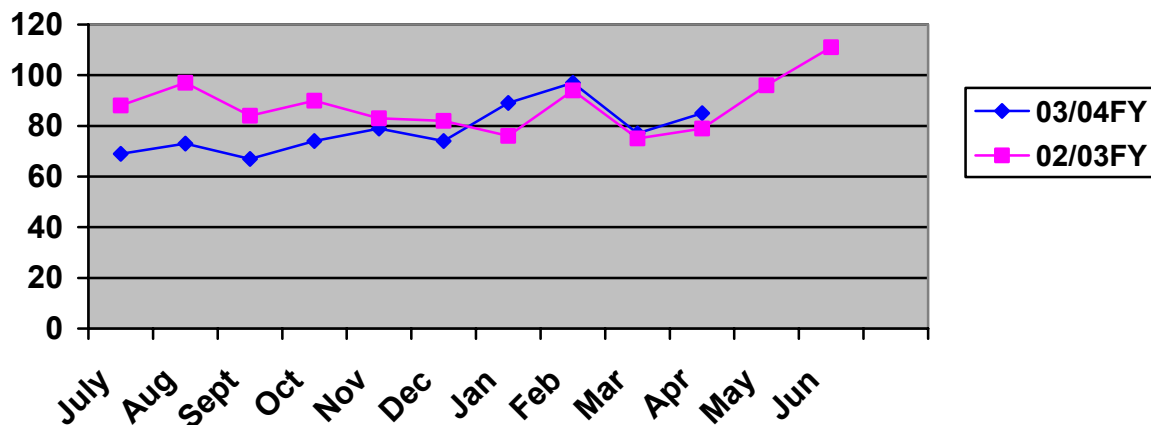
Equity Claims - Average Processing Time



### TORT CLAIMS<sup>4</sup> – AVERAGE PROCESSING TIME

Fiscal Year Comparison	Month of April	Fiscal Year to Date	% Change from Prior FY
<b>FY 03/04</b>	<b>85</b>	<b>79</b>	<b>-8%</b>
<b>FY 02/03</b>	<b>79</b>	<b>86</b>	

Tort Claims - Average Processing Time





## **Upcoming Events**

(The conferences and events listed below are for informational purposes only.)

### **May 19 Domestic Violence Grown Old Conference**

Sponsored by the Orange County Family Violence Council, this conference featuring experts in the field of Domestic Violence and the elderly, will be held May 19 at the Braden Court Auditorium in Orange. For more information, call (714) 825-3028.

### **May 24-27 The California Peace Officers' Association Annual Training Conference**

The 2004 Annual Training Conference for the California Peace Officers' Association will be held May 24-27 at the Embassy Suites in South Lake Tahoe. For more information, call (916) 263-0541.

### **May 25 National Missing Children's Day**

May 25 is National Missing Children's Day. May 25 was selected by The National Center for Missing & Exploited Children since this is the day 6-year-old Etan Patz disappeared from a New York City street corner on his way to school in 1979. His case remains unsolved and is an annual reminder to make child protection a national priority. For more information, call (800) THE-LOST.

### **May 25-28 Third National Sexual Violence Prevention Conference**

Sponsored by the California Coalition Against Sexual Assault, the "Building Leadership and Commitment to End Sexual Violence" conference will be held May 25-28 at the Westin Bonaventure Hotel in Los Angeles. For more information, call (916) 446-2520.

### **June 2-12 Domestic Violence 2000 Workshop**

Sponsored by the Relationship Training Institute, this workshop providing a complete overview of the field of domestic violence, with specific training in group treatment and intervention, will be held June 2-12 at the National University Spectrum Center in San Diego. For more information, call (619) 296-8103 x10.

### **June 28-July 2 California District Attorneys' Association Summer Conference**

The 2004 Summer Conference will be held June 28-July 2 at the Silverado Resort in Napa. For more information, call (916) 443-2017.

### **June 30-July 2 Fifth Annual Conference on Indian Families**

Sponsored by the National Indian Justice Center, the "For All My Relations" conference will be held June 30-July 2 at the Marriott Hotel & Marina in San Diego. For more information, call (707) 579-5507.

### **July 19-20 Annual Delegates' Meeting**

Sponsored by the Inter-Tribal Council of California, Inc., the "California Tribal Alliance Against Violence: Healing, Prevention, and Intervention" conference focusing on domestic violence will be held July 19-20 at the Pechanga Resort and Casino in Temecula, California. For more information, call (916) 973-9581.

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<sup>1</sup> **VCP Application Processing Time** - We have changed the method for calculating the time it takes to process a claim to more closely follow the statute. For 18 months we used the federal Office for Victims of Crime's (OVC) definition of processing time. Their definition was, "The processing period begins when the compensation program first receives an application and ends when a check is mailed to or on behalf of an eligible victim. Count all calendar days during the processing period, including days in which the program is awaiting information, as well as the days from the time your program requests a check to be sent until the time the check is actually sent."

The OVC no longer uses that definition as part of their Victim Compensation Performance Report. The definition has inherent inaccuracies and does not address the entire program workload, as it does not include denied claims.

Therefore, we are using the method defined in Government Code 13958, which requires us to approve or deny completed applications within an average of 90 days of acceptance. Government Code 13952 requires our staff to determine whether an application contains all of the required information to make a decision, as defined in section 649.9 of the California Code of Regulations. If an application is incomplete, staff contacts the victim to seek the missing information. The counting of processing time begins when we accept an application as complete and ends on the consent hearing date (the date the staff recommendation to award or deny a claim becomes the initial decision of the agency).

The EO Report shows the re-calculated average processing time for each month from July 2002 through February 2004.

<sup>2</sup> **Contract claims** - These are typically claims where a vendor has provided services to the state, but a purchase order or contract was not officially in place at the time the services were performed and, therefore, the affected agency does not have the authority to pay the invoice without the Board's approval.

<sup>3</sup> **Equity Claims** - These are claims where there is no legal liability on the part of the state to pay, but for which the claimant has asked the Board to exercise its equity power to provide payment in fairness for the action or inaction of a state agency. Also included, to a large degree, are outdated warrants (state-issued checks that went uncashed for more than three years).

<sup>4</sup> **Tort Claims** - These are claims for damages filed against specific state agencies. These claims are generally rejected, but are a required administrative action to be taken by a claimant prior to bringing civil action against the state in a court of law. The filing of the tort claim gives the state advance notice of potential future litigation.